

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Initially, Applicants would like to thank the Examiner for the indication that claims 24-26 are allowable.

In the Official Action, the Examiner rejects claims 16-20 and 22-26 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that the term "length of the vehicle" is a relative term which renders the claim indefinite because vehicles are known to be made in a considerable varieties of lengths.

Although Applicants respectfully disagree with the Examiner's reasoning and submit that the term "length of the vehicle" is definite within the meaning of 35 U.S.C. 112, second paragraph, claim 16 has been amended to delete the objectionable phrase, thereby rendering the rejection thereof moot. As discussed below, claim 16 has been amended to clarify that the two or more panels are disposed in series along the direction and spaced such that the two or more panels are capable of operatively engaging the vehicle in the direction to at least slow the vehicle. The amendment to claim 16 is fully supported in the original disclosure, including the Drawings. Thus, no new matter has been entered into the disclosure by way of the present amendment to claim 16.

Accordingly, it is respectfully requested that the rejection of claims 16-20 and 22-26 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,917,283 to Sumners (hereinafter "Sumners") in view of U.S. Patent No. 2,075,892 to Evans (hereinafter "Evans").

Furthermore, the Examiner rejects claims 16, 19 and 20 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,893,119 to Nasatka (hereinafter "Nasatka") in view of Evans. Lastly, the Examiner rejects claims 16, 22 and 23 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,419,537 to Thompson (hereinafter "Thompson") in view of Evans.

The Examiner cites Evans as showing that the panels of the primary references (Nasatka, Thompson and Sumners) can be placed at a length that is less than the length of a vehicle. Although, as discussed above, claim 16 has been amended to delete such a limitation, Applicants respectfully disagree. Evans makes no disclosure that the barriers (16) can be so configured.

Furthermore, there is no motivation or suggestion to combine the barriers of Evans with any of the inventions of the primary cited references. The Examiner argues that it would have been obvious to have positioned two or more panels as claimed to suit a particular application. However, none of the cited primary references disclose or suggest any other applications besides the one(s) disclosed therein and further do not disclose or suggest any applications that could make use of two or more such panels. Therefore, there is no motivation or suggestion in the references themselves for combining any of the cited primary references with Evans. Furthermore, where a feature is not shown or suggested in the prior art references themselves, the Federal Circuit has held that the skill in the art will rarely suffice to show the missing feature. Al-Site Corp. v. VSI International Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (Rarely, however, will the skill in the art component operate to supply missing knowledge or prior art to reach an obviousness judgment).

Lastly, as discussed above, claim 16 has been amended to clarify that the two or more panels are disposed in series along the direction and spaced such that the two or more panels are capable of operatively engaging the vehicle in the direction to at least slow the vehicle.

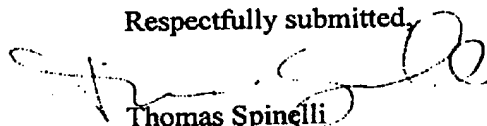
Applicants respectfully submit that none of the cited references, including Evans discloses or suggests such a feature. The barriers of Evans do not operatively engage the vehicle in the direction of the vehicle. The barriers of Evans are used to stop vehicles in two different directions. That is, one of the barriers stops a vehicle in one direction and the other barrier stops the vehicle coming from an opposite direction. Therefore, the hypothetical combination of any of the primary cited references and Evans does not teach or suggest two or more panels disposed in series along the direction and spaced such that the two or more panels are capable of operatively engaging the vehicle in the direction to at least slow the vehicle.

Independent claim 16 is not rendered obvious by the cited references because neither the Sumner patent, Nasatka patent, the Thompson patent nor the Evans patent, whether taken alone or in combination, teach or suggest a method for at least slowing a vehicle moving along a surface in a direction having the features discussed above. Accordingly, claim 16 patentably distinguishes over the prior art and is allowable. Claims 17-20, 22, and 23, being dependent upon claim 16, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 16-20, 22, and 23 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be

allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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